

### **REMARKS**

Claims 1-40 are pending and under consideration in the above-identified application. In the Office Action of September 11, 2007, claims 1-40 were rejected. With this Amendment, claims 1, 5, 7, 10, 13, 16-17, 20, 24-25, 29, 32 and 35 are amended and claims 2 and 6 are cancelled. Accordingly, claims 1, 3-5, 7-40 are at issue.

#### **I. 35 U.S.C. § 103 Obviousness Rejection of Claims**

Claims 1, 3-5, 7-9, 16-20, 22-24, 26-28, and 32-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Wolzien* (U.S. Pat. No. 5,761,606) (“*Wolzien*”) in view of *Moon* (U.S. Pat. No. 3,919,479) (“*Moon*”) in further view of *Dureau* (U.S. Pat. No. 6,721,958) (“*Dureau*”) in further view of *Del Sesto* (U.S. Pat. No. 3,919,479) (“*Del Sesto*”). Applicant respectfully traverses this rejection.

Applicant’s independent claims 1, 5, 16, 20, 24, 32 and 35 each claim subject matter relating to connecting and receiving information from an information unit based on the air time, frequency and channel information of the commercial message retrieved from the access site information.

This is clearly unlike *Wolizen*, which fails to disclose connecting and receiving information from an information unit based on the air time, frequency and channel of the commercial message retrieved from the access site information. Instead, *Wolizen* discloses extracting an address from a broadcast and allowing a user to view the web page on a television. See, U.S. Patent No. 5,761,606, Col. 6, l. 8-26. Since *Wolizen* discloses viewing information from a web page on a television and not retrieving information from an information unit based

on air time, frequency and channel information of a commercial message, it does not recite all of the essential elements of the claim.

*Moon*, similarly, fails to disclose connecting and receiving information from an information unit based on the air time, frequency and channel of the commercial message retrieved from the access site information. Instead, *Moon* discloses recognizing commercial messages in a broadcast stream without extracting data. See, U.S. Pat. No. 3,919,479, Col. 2, l. 56-67.

*Dureau*, similarly, fails to disclose connecting and receiving information from an information unit based on the air time, frequency and channel of the commercial message retrieved from the access site information. Instead, *Dureau* discloses a receiver which determines if a notification is trusted by examining the source of the notification and the channel the notification was broadcast on. See, U.S. Pat. No. 6,721,958, Col. 6, l. 20-55.

*Del Sesto*, similarly, fails to disclose connecting and receiving information from an information unit based on the air time, frequency and channel of the commercial message retrieved from the access site information. Instead, *Del Sesto* discloses a server which broadcasts a television program at a predetermined time based on a program list. See, U.S. Pat. No. 3,919,479, Col. 6, l. 60-65.

In the Advisory Action, the Examiner asserted that *Matthews* (U.S. Pat. No. 6,025,837) ("*Matthews*"), previously cited with respect to the rejection of claims 2, 6, 10-12, 21, 25, and 29-31 as described below, discloses connecting and receiving information from an information unit based on the air time, frequency and channel information of the commercial message retrieved

from the access site information. Applicants respectfully disagree. The portion of *Matthews* on which the Examiner now relies (which is different than the portions of *Matthews* on which the Examiner previously relied) simply describes that a user can create a shortcut to a particular show or channel using a drag-and-drop operation. See, U.S. Pat. No. 6,025,837, Col. 11, l. 52-57. *Matthews*, like the references described above, fails to disclose connecting and receiving information from an information unit based on the air time, frequency and channel of the commercial message retrieved from the access site information. Since *Matthews* discloses using a hyperlink or creating shortcuts using a drag-and-drop operation to retrieve video and not using air time, frequency and channel information to retrieve information relating to a commercial message, it does not recite the required elements of the claim.

As the Applicant's current specification discloses, by connecting and receiving information from an information unit based on the air time, frequency and channel of the commercial message retrieved from the access site information, the process of retrieving additional information relating to a commercial message is automated and streamlined, thereby saving time. See, U.S. Pat. Pub. No. 2002/0069408, Para. [0006].

Therefore, because *Dureau*, *Wolizen*, *Moon*, *Del Sesto* (and *Matthews*) and any combination of these references fails to disclose, or even fairly suggest, every feature of claims 1, 5, 16, 20, 24, 32 and 35, the rejection cannot stand. Because claims 3-4, 7-9, 17-20, 22-23, 26-28, and 33-38 depend, either directly or indirectly from claims 1, 5, 16, 20, 24, 32 and 35, those claims are patentable for at least the same reasons.

Claims 2, 6, 10-12, 21, 25, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Wolzien* in view of *Moon* in view of *Dureau* and further in view of *Matthews* (U.S. Pat. No. 6,025,837) (“*Matthews*”). Applicant respectfully traverses this rejection.

Claims 1, 5, 16, 20, and 24 are patentable over *Wolizen*, *Moon* and *Dureau* (and *Matthews*) as discussed above.

With this amendment, claims 2 and 6 are cancelled. Therefore the rejection is moot as to those claims.

As amended, claims 10 and 29 each recite subject matter relating to connecting and receiving information from an information unit based on the air time, frequency and channel information of the commercial message retrieved from the access site information.

*Matthews*, as describe above, similarly fails to disclose connecting and receiving information from an information unit based on the air time, frequency and channel of the commercial message retrieved from the access site information. Instead, the portion of *Matthews* that the Examiner *now* relies on simply describes that a user can create a shortcut to a particular show or channel using a drag-and-drop operation. See, U.S. Pat. No. 6,025,837, Col. 11, l. 52-57. Since *Matthews* discloses using a hyperlink or creating shortcuts using a drag-and-drop operation to retrieve video and not using air time, frequency and channel information to retrieve information relating to a commercial message, it does not recite the required elements of the claim.

Therefore, because *Dureau*, *Wolizen*, *Moon* and *Matthews* or any combination of them fails to disclose, or even fairly suggest, every feature of claims 1, 5, 16, 20, and 24, the rejection

cannot stand. Because claims 10-15, 21, 25, and 29-31 depend, either directly or indirectly from claims 1, 5, 16, 20, and 24, those claims are patentable for at least the same reasons.

Claims 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Wolzien* in view of *Moon* in view of *Dureau*, and further in view of *Goldschmidt* (U.S. Pat. No. 6,226,444) (“*Goldschmidt*”).

Claim 1 is patentable over *Wolizen*, *Moon* and *Dureau* as discussed above.

*Goldschmidt*, similarly, fails to disclose anything pertaining to connecting and receiving information from an information unit based on the air time, frequency and channel of the commercial message retrieved from the access site information. Instead, *Goldschmidt* discloses identifying a broadcast portion as a commercial message and stopping a recording device while the commercial message is broadcast. See, U.S. Pat. No. 6,226,444, Col. 7, l. 48-67.

Therefore, because *Dureau*, *Wolizen*, *Moon*, *Goldschmidt* or any combination of them fails to disclose, or even fairly suggest, every feature of claim 32, the rejection cannot stand. Because claims 39 and 40 depend, either directly or indirectly from claim 32, those claims are patentable for at least the same reasons.

**Conclusion**

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect. The Commissioner is hereby authorized to charge any fees which may be required, to Deposit Account No. 19-3140.

Respectfully submitted,

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